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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,145	06/24/2000	Michael Cortopassi	PALM-2933	6681

7590 12/23/2003

Wagner Murabito & Hao L L P
Two North Market Street
Third Floor
San Jose, CA 95113

EXAMINER

ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,145

Applicant(s)

CORTOPASSI ET AL.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. **Claims 1-30** have been examined.

Drawings

2. The Examiner approves the drawings filed on 06/24/2000.

Claim Rejections - 35 USC § 101

3. **Claims 1-20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim language is a portable computing devices having a security features involving no more than descriptive material and therefore, is nonstatutory under 35 U.S.C. 101. See *In re Warmerdam*, 33 F.3d 1354; 31 USPQ2d 1754. See MPEP § 2106 IV. B. 1. See <http://www.uspto.gov/web/menu/pbmethod/> (35 U.S.C. 101 Training Materials).

Double Patenting

4. **Claims 12-16, 17, 18, 19 and 20** are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1-5, 11, 7, 9 and 10 respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object

to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. **Claims 1-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the “capable of..” phrases makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results expressed in the “capable of...” phrases.

In claim 12, the “able to..” phrases makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results expressed in the “able to...” phrases.

In claims 1, the “capable of..” phrases makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the “capable of...” phrases.

In claims 12, the “able to..” phrases makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the “able to...” phrases.

In claims 10 and 20, the “adapted to..” phrases makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results expressed in the “adapted to...” phrases.

In claims 10 and 20, the “adapted to..” phrases makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the “adapted to...” phrases.

Dependent claims 2-11 and 13-20 are unclear in that they depend from unclear independent claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-30** are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al (5,898,831 A).

As per claims 1, 11-12, 17, 21-22 and 30 Hall et al (5,898,831 A) teach a system and a method for providing a personal identification security feature with a portable computing device (see fig.7 where the item 64 describes the security features of a device that contains number of fields such as peer id; or fig.8 and 9 where security feature of enabling or disabling with respect to unlock or access and lock (deny access) is disclosed), said method comprising the step of:

- (a) installing an identification security feature with a portable computing device (see fig.7, item 64; col.5, lines 28-36 where the security features are installed on the memory such as PIN); and
- (b) installing a security code with said identification security feature (see col.); and
- © selectively transmitting said security code (see col.5, lines 28-36 where ID, codes or passwords or PIN is being used as security code; fig.15); and
- (d) in response to receiving said security code, unlocking a secured entryway (see col.7, lines 55-58 where it unlock a secure passageway).

As per claims 2-6, 10, 13-16, 20 and 23-27 Hall et al (5,898,831 A) teach the system and a method as described in claims 1, 12 and 21, wherein said computing device comprises a PDA, pager, portable phone, laptop computer, calculator, a radio frequency identification tag or a portable device (see fig.3; col.5, lines 54-65).

As per claims 7, 18 and 28 Hall et al (5,898,831 A) teach the system, method as described in claims 1, 12 and 21 wherein said identification security feature comprises wireless communication (see col.4, lines 8-11).

As per claim 8 Hall et al (5,898,831 A) teach the system, method as described in claim 1, wherein said identification security feature comprises infrared communication (see col.3, lines 53-56 where the optical devices that are portable and uses optical or acoustic techniques having inherent infrared communication capability; fig.15 where portable device uses infrared communication to lock/unlock a car's door).

As per claims 9, 19 and 29 Hall et al (5,898,831 A) teach the system, method as described in claims 1, 12 and 21 wherein said identification security feature comprises wired communication (see col.4, lines 65-67 and col.5, line 1).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S.Patent No. US (6,175,922 B1) teach electronic transaction systems and methods therefor.

U.S.Patent No. US (6,622,124 B1) teach method of transacting an electronic mail.

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U.S. Patent No. US (6,601,040 B1) teach electronic commerce terminal for wirelessly communicating to a plurality of communication devices.

U.S. Patent No. US (6,289,104 B1) teach free-space quantum cryptography system.

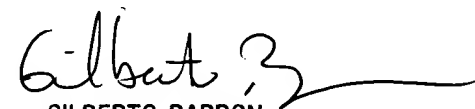
U.S. Patent No. US (5,748,084 A) teach device security system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

Official (703) 872-9306

Kambiz Zand


12/15/03


GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100